

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENDA SHOEMAKER, MARTY
SHOEMAKER, individually, and in
their capacity as parents of ABIGAIL
SHOEMAKER,

Plaintiffs,

v.

THE MARYSVILLE SCHOOL
DISTRICT NO. 25, a Municipal
Corporation, PETER APPLE, TWILA
HAMMONTREE, and NICOLE
MARKUS,

Defendants.

CASE NO. 2:23-cv-779 MJP

ORDER DENYING STIPULATION
OF VOLUNTARY DISMISSAL

This matter comes before the Court on the parties' Stipulation of Voluntary Dismissal Pursuant to CR 41(a)(1)(A). (Dkt. No. 17). Having reviewed the Stipulation and the Complaint (Dkt. No. 1), the Court finds the Stipulation improper. The parties stipulate to the voluntary dismissal of the Plaintiffs' first and fifth causes of action under Federal Rule of Civil Procedure 41(a)(1)(A). (Dkt. No. 17 at 1.) Rule 41(a) allows the parties to stipulate to the voluntary

1 dismissal of “an action,” but does not discuss dismissal of individual claims as requested by the
2 parties. The Court “give[s] the Federal Rules of Civil Procedure their plain meaning,” Pavelic &
3 LeFlore v. Marvel Entm’t Grp., 493 U.S. 120, 123 (1989), and finds that Rule 41(a) is limited to
4 dismissal of an entire action. For this reason, the Court DENIES the parties’ stipulated request
5 without prejudice.

6 Should the parties seek to the stipulated dismissal of some, but not all, of the claims in
7 this case, they must amend the complaint under LCR 15(b), and do so by July 3, 2024.

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9 Dated June 18, 2024

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11 Marsha J. Pechman
12 United States Senior District Judge
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